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Supporting parents through an education tribunal

Appeals regarding special educational provision for pupils with autism are consistently high throughout the UK. In England, autism-related appeals have increased by 33%. In Scotland last year, over 64% of appeals to the Additional Support Needs Tribunal for Scotland involved children with autism

The tribunal is an impartial and independent panel comprised of a judge or convener and one or two specialist members. It makes decisions on certain educational matters when there is a disagreement between a parent or young person and their local authority or education authority. In Wales, children can appeal to the Tribunal.

The tribunal looks at the information that parents or young people and the authority provide and decides how to settle the disagreement.

The panel must consider all the evidence, written and spoken, and make their decision. The appeal can take several months, and a hearing can take a day, or longer depending on how complex the appeal is.

The tribunal's decisions are based on education law, statutory regulations and guidance, and case law. The law is different in England, Scotland, Wales and Northern Ireland.

The tribunal resolves disagreement about statutory assessment for, and the education content of, Education Health and Care (EHC) Plans, Statements and Co-ordinated Support Plans (CSPs), and whether the plan or statement needs to be maintained. Education tribunals across the UK also hear disability discrimination cases and in Scotland hears appeals on post-school transitions and certain placement decisions.

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Organisation: The National Autistic Society
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The authority must write to the parent or young person when it makes a decision about a Statement, EHC Plan or CSP. The letter must inform them of appeal rights and deadline.

The Tribunal aims to be accessible for unrepresented parents and young people, and the outcome of a Tribunal is always uncertain.

The Parents or young person may be entitled to legal help to support them to prepare their case.

Tips on preparing an appeal

The parents or young person will need to:

- have some understanding of education law and how it applies to their situation.
- focus their efforts on what is needed to prove to the panel to win their case. Evidence is crucial.
- be well organised, and plan for deadlines.
- keep communications clear and factual, using everyday language. Keep copies of everything.
- consider the authority's response to the appeal and their evidence carefully – plan how they will present their different views.

The National Autistic Society's Education Rights Service offers confidential information, advice and support to parents and carers by phone or email. We can explain education law, rights and entitlements and complaints and appeals processes and offer support to those making an appeal.

Finding out more

The National Autistic Society's Education Rights Service: www.autism.org.uk/educationrights can be contacted on 0808 800 4102, or email educationrights@nas.org.uk.

The First Tier Tribunal (Special Educational Needs and Disability) (England):
www.gov.uk/special-educational-needs-disability-tribunal/overview

The Additional Support Needs Tribunal for Scotland: <http://www.asntscotland.gov.uk>

The Special Educational Needs Tribunal for Wales (SENTW):
<http://sentw.gov.wales/?skip=1&lang=en>

The Special Educational Needs and Disability Tribunal (SENDIST) Northern Ireland:
<https://www.courtsni.gov.uk/en-GB/Tribunals/SpecialEduNeedsnDisability/Pages/default.aspx>

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